

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 14, 2003

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Davis and Marley, absent and formally excused by the Chair; and Senators Cameron, Gannon, Malepeai, Noh, and Schroeder, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Alexey Chikanchi, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Noh was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 13, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Gannon, Malepeai, and Schroeder were recorded present at this order of business.

March 14, 2003

The JUDICIARY AND RULES Committee reports that **S 1163**, **S 1164**, **S 1165**, and **SCR 113** have been correctly printed.

DARRINGTON, Chairman

S 1163 was referred to the Judiciary and Rules Committee.

S 1164 was referred to the State Affairs Committee.

S 1165 was referred to the Health and Welfare Committee.

SCR 113 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2003

The FINANCE Committee reports out **H 332**, **H 340**, **H 341**, **H 342**, **H 343**, **H 344**, and **H 345** with the recommendation that they do pass.

CAMERON, Chairman

H 332, **H 340**, **H 341**, **H 342**, **H 343**, **H 344**, and **H 345** were filed for second reading.

March 13, 2003

The HEALTH AND WELFARE Committee reports out **H 12**, **H 26**, and **HCR 25** with the recommendation that they do pass.

BRANDT, Chairman

H 12 and **H 26** were filed for second reading.

HCR 25 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2003

The TRANSPORTATION Committee reports out **H 303** with the recommendation that it do pass.

INGRAM, Chairman

H 303 was filed for second reading.

March 13, 2003

The AGRICULTURAL AFFAIRS Committee reports out **H 307**, **H 308**, and **H 309** with the recommendation that they do pass.

WILLIAMS, Chairman

H 307, **H 308**, and **H 309** were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 13, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1029, S 1030, S 1031, S 1032, S 1033, S 1034,
S 1047, S 1048, S 1054, S 1055, S 1071, S 1112**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Cameron was recorded present at this order of business.

March 13, 2003

Mr. President:

I transmit herewith **H 282** and **HJM 5**, and I return herewith **S 1042**, which have passed the House.

JUKER, Chief Clerk

H 282 and **HJM 5** were filed for first reading.

S 1042 was referred to the Judiciary and Rules Committee for enrolling.

March 13, 2003

Mr. President:

I transmit herewith Enrolled **H 106, H 108, H 109, H 157, H 36, H 40, H 259, H 233, H 76, H 179, H 32, H 30, H 58, H 60, H 62**, as amended, **H 127, H 38, H 132, H 129, H 35, H 43, H 46, H 268, H 267**, and **H 260** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 106, H 108, H 109, H 157, H 36, H 40, H 259, H 233, H 76, H 179, H 32, H 30, H 58, H 60, H 62**, as amended, **H 127, H 38, H 132, H 129, H 35, H 43, H 46, H 268, H 267**, and **H 260** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President called President Pro Tempore Geddes to the Chair.

The President Pro Tempore announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Dr. Richard Parker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Noh, seconded by Senator Stennett, the Gubernatorial appointment of Dr. Richard Parker as a member of the Idaho Food Quality Assurance Institute was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **HJM 4** retained its place on the calendar for one legislative day.

The President Pro Tempore announced that **HCR 26** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stennett, seconded by Senator Richardson, **HCR 26** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1166
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2003; PROVIDING SIX ADDITIONAL FULL-TIME POSITIONS; AND DECLARING AN EMERGENCY.

S 1166 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 282, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

HJM 5, by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 330, by Appropriations Committee, was read the second time at length and filed for third reading.

H 171, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 291, by State Affairs Committee, was read the second time at length and filed for third reading.

H 67 and **H 11**, by Mr. Speaker, were read the second time at length and filed for third reading.

H 177, by Business Committee, was read the second time at length and filed for third reading.

S 1084, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 206, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1154 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Rouse (Andreason), Sorensen, Sweet, Williams. Total - 24.

NAYS--Calabretta, Kennedy, Malepeai, Noh, Schroeder, Stegner, Stennett, Werk. Total - 8.

Absent and excused--Burkett, Davis, Marley. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1154** passed, title was approved, and the bill ordered transmitted to the House.

S 1155 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Bunderson, Schroeder. Total - 2.

Absent and excused--Burkett, Davis, Marley. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1155** passed, title was approved, and the bill ordered transmitted to the House.

S 1156 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Calabretta, Schroeder. Total - 2.

Absent and excused--Burkett, Davis, Marley, Noble. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1156** passed, title was approved, and the bill ordered transmitted to the House.

S 1157 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Sweet, Williams. Total - 23.

NAYS--Calabretta, Kennedy, Malepeai, McWilliams, Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Burkett, Darrington, Davis, Marley, Noble. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared **S 1157** passed, title was approved, and the bill ordered transmitted to the House.

S 1158 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Cameron, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stennett, Sweet, Werk, Williams. Total - 25.

NAYS--Calabretta, Schroeder, Stegner. Total - 3.

Absent and excused--Bunderson, Burkett, Compton, Darrington, Davis, Marley, Noble. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared **S 1158** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1159 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 28.

NAYS--Calabretta, Schroeder. Total - 2.

Absent and excused--Burkett, Darrington, Davis, Marley, Noble. Total - 5.

Total - 35.

Whereupon the President declared **S 1159** passed, title was approved, and the bill ordered transmitted to the House.

S 1161 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Calabretta, Cameron, Compton, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 26.

NAYS--Bunderson, Schroeder. Total - 2.

Absent and excused--Bailey, Burkett, Darrington, Davis, Little, Marley, Noble. Total - 7.

Total - 35.

Whereupon the President declared **S 1161** passed, title was approved, and the bill ordered transmitted to the House.

H 256, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Sweet arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kennedy, Malepeai, Noh, Rouse (Andreason), Stennett, Werk. Total - 7.

Absent and excused--Davis, Marley. Total - 2.

Paired and voting included in roll call:

AYE - Noble NAY - Malepeai

Total - 35.

Whereupon the President declared **H 256**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 257, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Sweet arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Noh, Rouse (Andreason), Stennett, Werk. Total - 8.

Absent and excused--Davis, Marley. Total - 2.

Paired and voting included in roll call:

AYE - Noble NAY - Malepeai

Total - 35.

Whereupon the President declared **H 257** passed, title was approved, and the bill ordered returned to the House.

H 261 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 27.

NAYS--Darrington, Pearce, Williams. Total - 3.

Absent and excused--Calabretta, Davis, Gannon, Marley, Noble. Total - 5.

Total - 35.

Whereupon the President declared **H 261** passed, title was approved, and the bill ordered returned to the House.

H 143 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 143** passed, title was approved, and the bill ordered returned to the House.

H 134 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Werk arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Bailey, McKenzie, Sweet. Total - 3.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 134** passed, title was approved, and the bill ordered returned to the House.

H 133 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 133** passed, title was approved, and the bill ordered returned to the House.

H 66, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Keough. Total - 1.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 66**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 214 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 214** passed, title was approved, and the bill ordered returned to the House.

H 220 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 220** passed, title was approved, and the bill ordered returned to the House.

H 266 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Noble. Total - 3.

Total - 35.

Whereupon the President declared **H 266** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

Moved by Senator Stegner, seconded by Senator Little, that the Senate return to the Ninth Order of Business, Messages from the House. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Sweet, Williams. Total - 24.

NAYS--Calabretta, Kennedy, Malepeai, McWilliams, Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Burkett, Davis, Marley, Noble. Total - 4.

Total - 35.

Whereupon the President declared that the motion had prevailed and the Senate returned to the Ninth Order of Business.

Messages from the House

March 14, 2003

Mr. President:

I transmit herewith Enrolled **H 329** for the signature of the President.

JUKER, Chief Clerk

The President announced he was about to sign Enrolled **H 329**, and when so signed, ordered it returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business..

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 9:30 a.m., Monday, March 17, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary